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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HARTFORD FIRE INSURANCE
COMPANY

Plaintiff,

v.

LEXINGTON INSURANCE COMPANY

Defendant.

Case No.: 3:18-cv-0432-RCJ-WGC

**STIPULATION AND ORDER TO
EXTEND DATE BY WHICH
LEXINGTON INSURANCE COMPANY
SHALL HAVE TO ANSWER OR
OTHERWISE RESPOND TO
COMPLAINT**

(SECOND REQUEST)

Plaintiff Hartford Fire Insurance Company ("Hartford") and Defendant Lexington Insurance Company ("Lexington"), by and through their undersigned counsel, stipulate as follows:

Hartford filed a complaint on September 6, 2018, therein naming Lexington as a defendant in this matter. (ECF No. 1.) Hartford subsequently served Lexington with the summons and complaint through the Nevada Division of Insurance; the Nevada Division of Insurance served Lexington on October 8, 2018. (ECF Nos. 11, 12.) On October 30, 2018, the parties stipulated to extend the time for Lexington's response to the complaint until November 29, 2018. (ECF No. 13.) The Court approved the extension on October 31, 2018 (ECF No. 14); Lexington's response to the complaint is currently due November 29, 2018.

1 On November 26, 2018, Lexington indicated its intent to file a motion for more definite
2 statement unless Hartford agreed to make certain amendments to the Complaint (ECF No. 1). In
3 an effort to avoid motion practice and save the parties and the Court time and resources, pursuant
4 to Federal Rule of Civil Procedure ("FRCP") 15(a)(1)(B), the parties have agreed that Hartford
5 will file an amended complaint by December 14, 2018.¹

6 Consistent with FRCP 15(a)(3), the parties further stipulate that Lexington's response to
7 the amended complaint will be due 14 days after the filing of the amended complaint, or by
8 December 28, 2018, whichever is later. Lexington has further agreed that the amended
9 complaint shall be considered "served" when Hartford electronically files the amended
10 complaint by December 14, 2018. For the purpose of service of the amended complaint,
11 Lexington's counsel will file a notice of appearance in the case to ensure that Lexington is
12 receiving the electronic filing notices. The Court granted one prior extension for Lexington to
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27 ¹ Pursuant to FRCP 15(a)(1)(B), a party can amend its pleading once as a matter of course and without leave
28 of court within 21 days after a responsive pleading is filed or 21 days after service of a motion under FRCP 12(b),
(e), or (f), whichever is earlier. Lexington has not yet filed a responsive pleading or a motion under these
subsections of FRCP 12, so the parties anticipate no additional motion practice or use of the Court's time by filing
this stipulation to allow Hartford to file an amended complaint.

1 respond to the complaint.

2 **IT IS SO STIPULATED.**

3 DATED this 28th day of November, 2018.

DATED this 28th day of November, 2018.

4 LAXALT & NOMURA, LTD.

HEROLD & SAGER

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6 HOLLY S. PARKER (SBN 10181)

/s/ Nicholas B. Salerno

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25 *Counsel for Plaintiff Hartford Fire Insurance
Company*

26 **IT IS SO ORDERED:**

27 DATED: November 29, 2018.

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UNITED STATES MAGISTRATE JUDGE